



417622

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION 5**  
**77 W. JACKSON BOULEVARD**  
**CHICAGO, ILLINOIS 60604-3590**

Reply to the Attention Of: SR-6J

October 8, 2009

**Via E-mail and Certified Mail**

Richard Gay  
Weyerhaeuser Company  
810 Whittington Ave.  
Hot Springs, AR 71901

RE: Extension Request for Remedial Design  
12<sup>th</sup> Street Landfill, Allied Paper/Portage Creek/Kalamazoo River Superfund Site, Operable Unit #04,  
Plainwell, Michigan

Dear Mr. Gay:

The United States Environmental Protection Agency (EPA) has received your request for a further extension of time to complete your revisions to the Remedial Design (RD) for 12th Street Landfill, Kalamazoo River Superfund Site Operable Unit #04, Plainwell, Michigan. Your most recent request follows events that have contributed to a protracted remedial design phase at OU4. Weyerhaeuser submitted its Pre-Final RD on January 19, 2009 written by RMT Inc. On February 19, 2009, Weyerhaeuser sought EPA's permission to switch supervisory contractors from RMT Inc. to Conestoga-Rovers & Associates (CRA). Additionally, Weyerhaeuser sought EPA's agreement to allow it (through CRA) to submit a revised Pre-Final RD. EPA agreed. On July 21, 2009, EPA, MDEQ, and Weyerhaeuser met to discuss CRA's revised Pre-Final RD (dated June 16, 2009). At that time, EPA rejected numerous design elements proposed in the June 16, 2009 revised Pre-Final RD. On August 20, 2009, EPA disapproved Weyerhaeuser's Pre-Final RD and provided Weyerhaeuser with comments to cure the deficiencies within 30 days. On August 26, 2009, Weyerhaeuser requested an extension for the submittal of the RD. On September 3, 2009, EPA extended the due date for the RD from September 19, 2009 to October 5, 2009. Today, I am granting your request for this final extension of time, extending the final design due date to October 19, 2009.<sup>1</sup>

Pursuant to the Consent Decree for the Design and Implementation of Certain Response Actions at Operable Unit #4 and the Plainwell Inc. Mill Property of the Allied paper, Inc/ Portage Creek/Kalamazoo River Superfund Site, Civil Action No. 1:05CV0003 (2005) (Consent Decree), upon receipt of a notice of disapproval under Paragraph 50, you shall correct the deficiencies and resubmit the plan as "Final" for approval within 30 days or a longer timeframe specified by EPA. Stipulated penalties begin accruing upon receipt of the disapproval, but shall not be payable unless the resubmission is disapproved or modified due to a material defect. Paragraph 52 of the Consent Decree. Accordingly, to the extent you submit a RD on October 19th that still contains material

---

<sup>1</sup> The Statement of Work (SOW) attached to the Consent Decree states that the Final Design document is due 30 days after receipt of EPA's comments on the Pre-Final Design or a longer timeframe specified by EPA. SOW, Section V, p.15.

defects, EPA may demand stipulated penalties for its failure to submit a Final Remedial Design in accordance with the Consent Decree. These stipulated penalties began accruing on August 20, 2009.

If you have any questions about this letter, please contact me at (312) 353-8983.

Sincerely,

A handwritten signature in black ink that reads "Michael Berkoff". The signature is written in a cursive, flowing style.

Michael Berkoff  
Remedial Project Manager

cc: J. Saric EPA  
L. Kirby-Miles EPA  
S. Chummar EPA  
T. Prendiville EPA  
R. Frey EPA  
P. Bucholtz MDEQ  
G. Carli CRA  
M. Erickson Arcadis  
J. Keiser CH2MHill